IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6372 OF 2007

Union of India & Anr. .... Petitioners.

V/s

The Regional Labour Commissioner (Central) and Ors. .... Respondents.

Mr. A.M. Sethna with Mr. K.R. Chaudhari for Petitoners.

Mr. J.C. Satpute with Ms. Leena Patil for Respondent No.1.

Mr. V.P. Malvankar, AGP for Respondent No.2.

Ms. Neeta Karnik for Respondent No.3.

CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.

DATE : 26th November, 2007.

P.C.:

1. By consent of parties, Petition is disposed of in the following terms:-

2. Petitioner has already deposited an amount of Rs 5,93,400/- plus an amount of Rs 1,06,600/- in this Court. It is common ground that against the order dated 22nd March, 2006 at Exhibit-F to the Petition, the Petitioner has made a representation to the Regional Labour Comissioner dated 31st July, 2007 and that representation is still pending before the said authority. In this background, in our opinion, the following order would meet the ends of justice.

O R D E R

The Regional Labour Commissioner shall reconsider his order dated 22nd March 2006, a copy of which is at Exhibit-F to the Petition, in view of the representation made by the Petitioner, a copy of which is at Exhibit-M to the Petition. The Respondent No.3 shall also be entitled to submit their say in the matter within a period of two weeks from today. The Regional Labour Commissioner shall make his final order, either maintaining the order at Exhibit-F or varying it, within a period of six weeks from today.

The amount referred to above which has been deposited by the Petitioner in this Court shall be permitted to be withdrawn by the concerned workmen by name Nana Daulat Kapre & Pradeep Dnyanoba Bhalerao on furnishing an undertaking to this Court to bring back the amount if so directed by the Regional Labour Commissioner in view of his

revised order and on such terms and conditions a may be directed by him and furnish a Bank Guarantee of a Nationalized Bank to the satisfaction of the Registry of this Court.

It is clarified that while making the order on the representation of the Petitioner, the Regional Labour Commissioner shall also make an order in relation to the amount which is deposited by the Petitioner in this Court which is being permitted to be withdrawn by the concerned workmen by this order.

Petition is disposed of.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)